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Attorneys for Defendant Pajaro Valley Unified
 School District

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

E.M., a minor, by and through his parents
 E.M. and E.M.,

Plaintiff,

vs.

PAJARO VALLEY UNIFIED SCHOOL
 DISTRICT, OFFICE OF ADMINISTRATIVE
 HEARINGS, and CALIFORNIA
 DEPARTMENT OF EDUCATION,

Defendants.

CASE NO. C 06-04694 JF

**STIPULATION TO PERMIT FILING OF
 PLAINTIFF'S PROPOSED SECOND
 AMENDED COMPLAINT; [PROPOSED]
 ORDER**

Trial Date: None

Defendant Pajaro Valley Unified School District ("District"), hereby stipulates and
 provides its consent to the filing of a Second Amended Complaint ("SAC") by Plaintiff in this
 action as follows:

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C 06-04694-JF

RECITALS

WHEREAS, Plaintiff filed a First Amended Complaint ("FAC") for Damages and Appeal from a Decision of the California Office of Administrative Hearings pursuant to the Individuals with Disabilities Act (20 U.S.C. § 1415 *et seq.*) on December 15, 2006;

WHEREAS the FAC included claims pursuant to Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §701 *et seq.*) and the California Unruh Civil Rights Act (Ca.Civ.Code §51 *et seq.*);

WHEREAS, Defendant filed an Answer to the FAC on January 4, 2007;

WHEREAS, Plaintiff has advised the District that he wishes to amend his FAC to dismiss all claims except his IDEA related claims;

WHEREAS, Federal Rule of Civil Procedure 15(a)(2) permits a party to amend his pleading without leave of the Court so long as the opposing party provides written consent;

WHEREAS, Plaintiff has advised the District that its answer to the FAC may be deemed to sufficiently answer the SAC, without the need for further pleading by the District;

STIPULATION

The District hereby stipulates and consents to the filing of Plaintiff's SAC in the form attached hereto as Exhibit 1. If the Court approves the filing of the SAC, the District will not file a further answer in this action.

DATED: May 29, 2008

FAGEN FRIEDMAN & FULFROST, LLP

By: /s/ Kimberly A. Smith

Kimberly A. Smith

Attorneys for Defendant Pajaro Valley Unified School District

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~~[PROPOSED]~~ ORDER

Trial Date: None

The Court, having reviewed and considered the STIPULATION TO PERMIT FILING OF PLAINTIFF'S PROPOSED SECOND AMENDED COMPLAINT and finding good cause, does hereby **ORDER** that Plaintiff is permitted to file his Proposed Second Amended Complaint in the form attached to the District's Stipulation as Exhibit 1.

IT IS SO ORDERED.

DATED: 6/12/08


The Honorable Jeremy Fogel
Judge of the United States District Court
For the Northern District of California

00223.00102/79768.1

C 06-04694-JF

[PROPOSED] ORDER